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ABSTRACT

This report describes the British Columbia Human Rights Commission's activities during 2000-01. The Commission held public hearings to learn about barriers that prevent Aboriginal students from full participation in the British Columbia education system, and published a report on the findings with recommendations for improving educational opportunities for Aboriginal students. Workshops were held to instruct non-profit groups in assisting people filing human rights complaints, and to let the public hear about the Commission's work and what they can do to promote human rights in their communities. The Commission hosted the annual conference of the International Association of Official Human Rights Agencies and received the Association's International Award for successfully raising international awareness about human rights issues. A report was released calling for a renewed employment equity strategy for the public service sector that included a detailed implementation and monitoring plan. A program was sponsored in which students submitted works of art showing how promoting human rights can help prevent bullying, discrimination, and homophobia. The Commission lobbied the government to introduce legislation to end discrimination faced by people living in poverty and those who use assistive animals. A guide was published to assist employers in developing and implementing anti-harassment policies. The Commission's public interest program produced three research reports. The complaints process is described, and statistics for the year 2000-01 are presented. Sidebars describe cases the Commission pursued. (TD)

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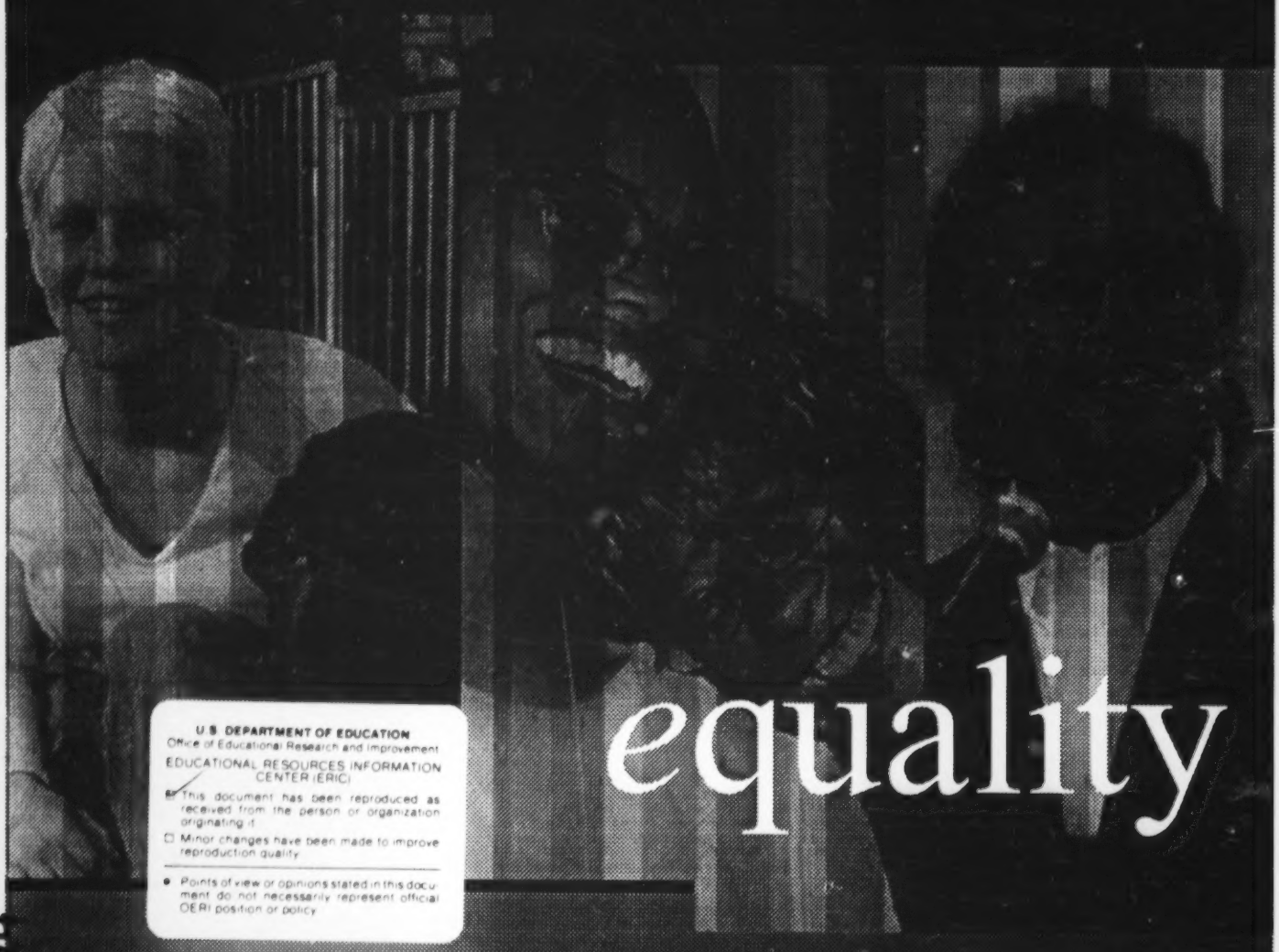
2000/01 ANNUAL REPORT



equality

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EQUALITY THROUGH ACCESS

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Nearly one in five lesbian or gay youth have been physically assaulted at school.

equality through access

Chief Commissioner's Report

Chief Commissioner Mary Wan Sims

Access – a relatively simple idea but one of the most challenging issues facing people working in the field of human rights.

The world has changed: at one time, human rights work was synonymous with independence and the right to make choices. But as globalization, and the technology that drives it, accelerates, there are other issues entering human rights discussions. Access and inclusion are now part of almost every human rights case; whether the subject is equity in the workplace or in elementary schools, these two themes are increasingly present.

Although the Commission has made great strides over the past few years, our campaign for the right of every person to live in a province free from harassment and discrimination must continue. We believe that building a better future for all British Columbians depends on it.

With a staff of 50 and limited resources, increasing awareness is a task the Commission can not take on by itself. But, by building relationships with individual British Columbians and with community groups and educators, we hope to increase everyone's understanding of their basic human rights and the role of the Commission in protecting those rights.

This year we focused considerable energy and resources on reaching out to those British Columbians who may not know the difference the *BC Human Rights Code* and the Commission can make in their lives. In the Education Report (page 17), you can find out more about our partnership efforts with people in rural areas – people who, as we found out in our 1999 public opinion poll, are much less aware of the Commission's work than those living in the Lower Mainland and Victoria.

Our community outreach efforts included participating in the BC Human Rights Advisory Council's public forums to inform people of the Commission's mandate and get input on how to improve the services the Commission offers the public.

In the upcoming year, the Commission will be building on its recent work with Aboriginal communities through a series of public hearings aimed at changing the education system so that it becomes more responsive to the needs of Aboriginal children and youth and their families. A wide range of organizations, including local and provincial Aboriginal organizations and the education community, has agreed to work with us on this important initiative (page 3).

As I expect all would agree, the need to understand how human rights concepts and principles affect us in our daily lives is especially important to young people, particularly in our schools. People

often say that our schools should concentrate on the so-called three "Rs" of reading, writing and arithmetic but we need to add a fourth "R" for Respect. That means respect for people, regardless of cultural background, skin colour, religion or any other factor that some people decide is a justification for discrimination.

The Commission continues to focus on working with the provincial school system to educate young people about human rights and identify barriers to success. Our Visual and Language Arts Program created partnerships with schools and gave students the opportunity to learn about human rights and responsibilities (page 9).

In addition, cases like the Moore case (page 6) illustrate how the Commission works with complainants through its Public Interest Program and the Deputy Chief Commissioner to argue for human rights protection in BC schools.

"Renewing vigilance", a fitting motto for the Commission's approach to human rights over the past year, was also the theme of the International Association of Official Human Rights Agencies conference held in Vancouver last August. In addition to acting as host of the meeting of 167 human rights agencies, the Commission had the honour of receiving the International Award for its success in raising awareness of human rights issues (page 5).

Over the past several years, the Commission has made a strong commitment to improving the administration and processing of complaints. We have achieved great success as is evidenced by our reduced caseload and faster processing times. This year, the Commission launched the Compliance Reform Project continuing our commitment to making the complaints process even more efficient and responsive (page 16).

The BC Human Rights Commission has become a leading human rights organization by always seeking to enhance its programs and services. Within that spirit of constant improvement is an acknowledgement that there is always more to do and a better way to do it. We are committed to finding that better way. By working with our staff, BC residents, schools, community groups, business, labour and government, we look forward to building partnerships that will give more people equality through access and inclusion.

! To receive a copy of the annual report in an alternative format (e.g. large print, text only or on disk) please contact 1-800-663-0876, TTY (604) 660-2252 in Vancouver or TTY (250) 953-4911 in Victoria.

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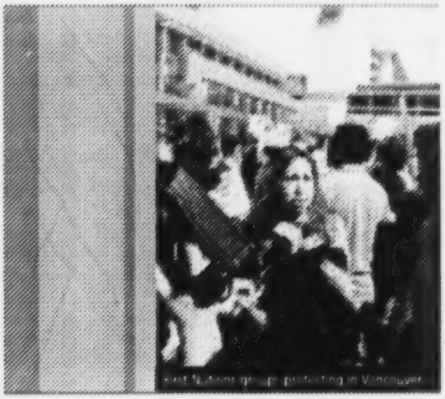
Visible minorities make up nearly 20 per cent of the the BC population and 22 per cent of

equality through access

Equality and Education

38 per cent of Aboriginal students graduate from high school, compared to 77 per cent of non-Aboriginal students.



Education is a fundamental human right of all people. For Aboriginal communities, education is also an important tool for overcoming historic disadvantages and rebuilding their cultures and communities.

Research and statistics show that Aboriginal children are not receiving an equal education. For example, 38 per cent of Aboriginal students graduate from high school, compared to 77 per cent of non-Aboriginal students. Provincial test results show that Aboriginal students are losing ground in literacy and mathematics as early as grade four.

Shortly after the current Commission was established in 1997, a number of Aboriginal organizations brought forward their concerns about the barriers Aboriginal students face in the provincial education system. Based on these concerns, Aboriginal education was identified as a priority in the Commission's five-year plan. This past year, the Commission has been discussing ways to approach this priority with its partners in Aboriginal communities and the educational system.

Preliminary research stressed that racism and systemic discrimination continue to affect Aboriginal students and teachers, and to limit the involvement of parents. The need for Aboriginal communities to have more input and control over the education of their children was highlighted. Another issue is that, often, education curriculum does not provide enough opportunity for students to learn about the first peoples of our province – little is taught about the history or culture of Aboriginal peoples or their status as recognized in the Constitution.

Working with an Aboriginal Advisory Committee, the Commission will hold public hearings in the fall of 2001 to learn more about the barriers that prevent Aboriginal students from full participation in our education system. The Commission hopes these hearings will involve a range of people, from communities across the province, in learning about the problem and generating ideas for improvement. Following the hearings, the findings will be publicly released and provided to the provincial Minister Responsible for Human Rights for government review. The report will include recommendations to government, partners in the education system, community groups, Aboriginal organizations and the Commission itself.

The Commission hopes to work with the education system to promote a society where there is understanding and mutual respect – a society where the rights of all Aboriginal and non-Aboriginal people are equally respected.

The research report on Aboriginal people's experience with the public education system and a full schedule of hearing locations and dates are available on the Commission's web site at **www.bchumanrights.org**. For further information, please contact Therese Boulard at the Commission's Vancouver office, (604) 660-0831. You can also write to the Commission at the address listed on the back cover.

graduates, yet they are only 6.4 per cent of public service employees.

Human Rights Workshops: Making a Difference

Reaching beyond Vancouver and Victoria has long been a priority for the Commission.

In 2000/01, the Commission made the vision a reality by working throughout the province with local groups that want to make a difference in the ongoing campaign to increase understanding of human rights issues.

In late 2000, the Commission worked with community groups to deliver workshops that showed the value of involvement at the grassroots level. The groups involved included the Canadian Human Rights Commission, Immigrant and Visible Minority Women (BC), the Canadian Jewish Congress, the Affiliation of Multicultural Societies and Service Agencies of British Columbia, the Trail and District Multicultural Society, the Kamloops Cariboo Immigrant Society, and the Terrace Multicultural Association.

The workshops in Trail, Kamloops, and Terrace were designed to reach out to two audiences. The first were people working in non-profit groups who may be approached by people needing help with filing a human rights complaint. Secondly, the workshop was designed to act as a forum for the public to hear about the work of the Commission and to find out what they can do to promote human rights in their communities.

Deirdre McEwan falls into the latter group. McEwan saw the advertisement in the Terrace Standard and thought it sounded like an interesting way to spend an evening. What she found out, however, was that the problem of bullying isn't simply something that happens to people in schools in other communities.

"When a local woman talked about how her son had been bullied, I was shocked," explains McEwan. "We have to nurture respect in people throughout their childhood or we end up with some very troubled adults – both the bullies and their victims."

At the workshop, McEwan suggested that Terrace hold a community meeting to address the problem of bullying in local schools. Two weeks later, the meeting happened, paid for with money out of McEwan's pocket.

It was money well spent. More than 60 people showed up including the school board superintendent and some of the children who had been bullied. Everyone got a better understanding of how bullying starts and how it could be stopped. Now the school board is evaluating its bullying policy, a local anti-racism group is working on a brochure, and the public health nurse is working on an information package for parents.

"I think the workshop and the community did a lot to raise awareness of the problem," McEwan explains. "Plus, those kids who are being bullied found out that we do care about them."

Anti-Racism Education

Case: The complainant, a black woman who provides counselling to children-in-care on a contract basis, raised issues about the ability of the Ministry of Children and Families to deal responsibly with discriminatory behaviour.

Details: Under a settlement agreement, the Ministry agreed it will not tolerate discrimination based on any of the *Code*'s prohibited grounds of discrimination and agreed to make reasonable efforts to ensure its employees, agents and clients are aware of its commitment to non-discrimination.

The Ministry confirmed its responsibility to respond promptly and appropriately where it becomes aware of a child-in-care's discriminatory behaviours and will implement a Directive and guidelines on how its employees and contractors should respond to such behaviour.

Result: To support the Ministry's efforts, Ministry contractors were provided with the Commission fact sheet, *Racism and Human Rights: Preventing Racism in the Workplace*, providing information on contractors' responsibility to respond to racism and other discriminatory behaviours.

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49 per cent of elderly women who live alone, live in poverty.

equality through access

IAOHRA 2000: Renewing Vigilance

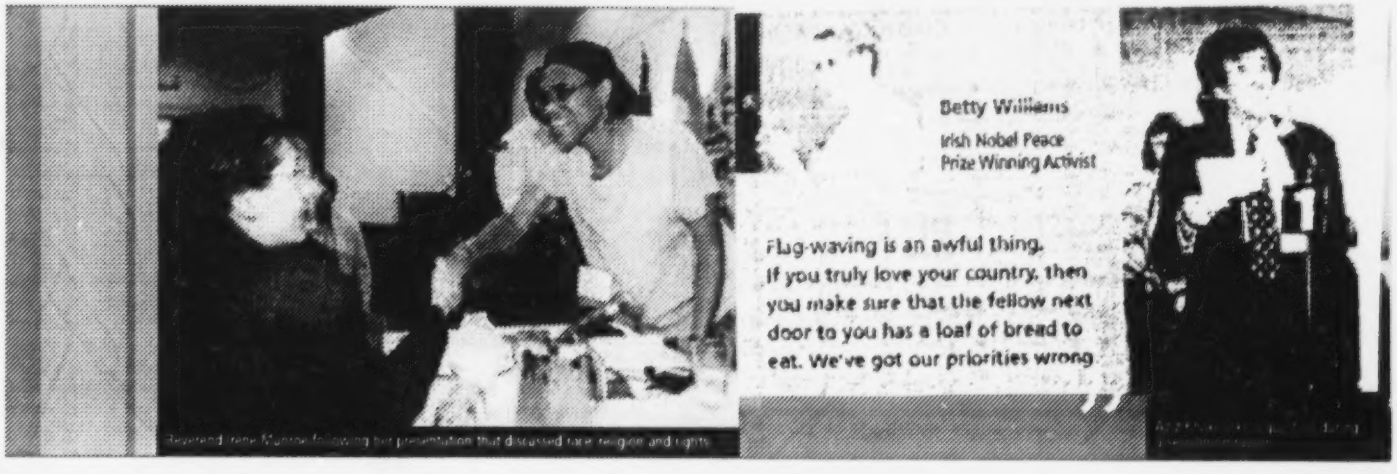
The BC Human Rights Commission was proud to receive the International Association of Official Human Rights Agencies' highly coveted International Award at the 52nd annual conference, held in Vancouver in August 2000.

The International Association of Official Human Rights Agencies (IAOHRA) is an umbrella organization of over 160 groups from around the world, but its members are primarily from North and South America.

IAOHRA's goals are to promote civil and human rights around the world by providing leadership at all levels of government to protect the civil and human rights of all people – effectively fostering links and partnerships to enhance human rights practices under the law.

The International Award is presented to an individual, a private organization or a government agency that has successfully raised international awareness about human rights issues and furthered human rights for everyone.

While winning the award was exciting, the content of the sessions and the connections made at the conference were even more rewarding for Commission staff. The conference gave people the opportunity to explore current


Betty Williams
Irish Nobel Peace Prize Winning Activist
Flag-waving is an awful thing. If you truly love your country, then you make sure that the fellow next door to you has a loaf of bread to eat. We've got our priorities wrong.

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human rights practices and communicate challenges, while establishing networks and partnerships that strengthen their efforts to prevent and eliminate discrimination.

The Commission worked with a committee of representatives from various government and community agencies to help plan the conference. The conference included presentations by Betty Williams, who was awarded a Nobel Peace Prize for her work to stop violence in Northern Ireland, and Stephen Lewis, former Canadian ambassador to the United Nations.

The workshops focused on the need to re-examine local structures and practices to further human rights and explored ways organizations can work together to identify and eliminate human rights abuses locally and globally. Each identified and explored an array of solutions to the international human rights issues the global community faces. These included: youth human rights issues, gender and transgender issues, sexual orientation and religion, disabilities, partnerships with business, labour and human rights agencies and hate crime.

Stephen Lewis

Former Ambassador to the United Nations and Executive Director of UNICEF

There I was a representative of Canada being asked to chastise other countries about human rights and they would reply by reading from newspaper articles and reports about the high mortality of Aboriginal infants, the poverty among the native people and our reservation system.

Learning About Abilities

Case: In 1997 and 1998, Frederick Moore launched complaints against the Ministry of Education and School District No. 44. Moore alleges that the Ministry and the School District discriminated against his son by failing to provide for his educational needs as a student with a learning disability called dyslexia.

As a party to the hearing, the Commission, through the Deputy Chief Commissioner, will argue that a school board's duty to accommodate under the *Code* means that it has a legal responsibility to provide individualized programs to students with learning disabilities. The Commission also believes the Ministry of Education has a responsibility to ensure adequate funding and policies are in place to support such programs.

Details: In a preliminary ruling, the Tribunal ordered that the Ministry produce documents relating to whether there has been systemic discrimination against dyslexic students in the Province of British Columbia, not just in School District No. 44.

The Ministry appealed to the BC Supreme Court arguing that its obligation to disclose documents should only apply to the school district named in the complaint.

Result: The application for judicial review was dismissed. The Supreme Court ruled that the complaint includes allegations of province-wide systemic discrimination by the Ministry against dyslexic students.

The decision clears the way for an October, 2001 hearing in Vancouver.

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About 40 per cent of Vancouver's street youth are gay or lesbian compared to only 10 per cent of the

equality through access

Name of report on employment equity says it all

The report calls for a renewed employment equity strategy that includes a detailed implementation and monitoring plan.

The Commission's report about the provincial government's efforts to increase the representation of Aboriginal people, persons with disabilities and visible minorities in the public service resulted in a clear message: it's not good enough.

Not Good Enough – Representation of Aboriginal People, People with Disabilities and Visible Minorities in the BC Public Service summarizes the information the Commission gathered at public forums. People told the Commission that many barriers stand between under-represented groups and public service employment, including:

- employment equity is not enforced by law;
- supervisors are not properly trained in employment equity issues;
- hiring panels are often unfamiliar with diverse cultures;
- managers and supervisors are unaware of their duty to accommodate;
- many government buildings are not accessible by wheelchair;
- the workplace structure is a barrier for Aboriginal people, many of whom want to learn, work and reside close to their homes and communities; and,
- it's often assumed people who speak with an accent can't do the job.

How big is this problem? The numbers tell the story. For example: between 1994 and 2000, the percentage of public service employees with disabilities decreased from 6.7 to 5.7 per cent, even though more than 8 per cent of the population is disabled; visible minorities make up nearly 20 per cent of the BC population and 22 per cent of university graduates, yet they are only 6.4 per cent of public service employees.

Talking about barriers and statistics is one thing; creating a climate of equity in the workplace is quite another. *Not Good Enough* recommends actions to improve the situation. The report calls for a renewed employment equity strategy that includes a detailed implementation and monitoring plan.

As Chief Commissioner Mary-Woo Sims explained when the report was released, the time for action has come. "The Commission also recognizes we need to lead by example in making sure our own staff reflects the diversity in BC. We have put in place an employment equity policy and a committee to take further action to achieve our commitment to equality in the work place."

general population.

British Columbia Human Rights Commission

CASE STUDY

Promoting human rights through research

Much of the Commission's work is carried out through human rights cases and face-to-face interactions in workshops and presentations. However, research studies and other publications (including the Annual Report) are having an increasingly positive impact by informing people about their human rights and responsibilities.

Publications released in 2000/01 include:

Jumping Through Hoops: Stories From British Columbians with Disabilities Accessing Government Programs and Services highlights the difficulties people face when applying for disability discounts and benefit programs. The research shows that the system is often costly, bureaucratic and inaccessible.

It's Time to Act: Improving Access to Government Information for People with Sensory Impairments and Other Disabilities shows how difficult it is for some people to get information from the government in an accessible format.

The Factors Affecting the Economic Status of Older Women in Canada: Implications for Mandatory Retirement reviews the causes and effects of poverty for older women and looks at how effectively existing programs address their poverty.

The response to the publications from BC residents and concerned organizations has been outstanding. *It's Time to Act* resulted in direct action from the BC government. A guide to alternative formats and communication supports has now been distributed to every government communications department.

To get a copy of any Commission publications, visit www.bchumanrights.org or contact the Vancouver or Victoria office at the phone numbers listed on the back cover.

Operating Under Fire

Case: The Tribunal heard the case of 101 communications operators who alleged that the Vancouver Police Board had discriminated against them on the basis of sex.

Details: The communications operators, who are almost exclusively female, are paid less but perform the same or similar duties as fire dispatchers, who are exclusively male.

The Tribunal found that the Vancouver Police Board, not the City of Vancouver, was the Complainants' employer, even though the City had overall financial responsibility for the Complainants' position. The fire dispatchers, on the other hand, were directly employed by the City of Vancouver.

Although the Tribunal accepted the evidence that the Complainants at the Com 1 level performed substantially similar work to the fire dispatchers at the FD 1 level at a lower rate of pay, their employers were not the same.

Result: Section 12 of the *BC Human Rights Code* states that a claim of wage discrimination based on sex requires that the different rates are paid for similar or substantially similar work by the same employer. Because the Complainants were comparing their wages to those of employees of a different employer, their complaints were dismissed. The Commission has submitted a brief to the government on pay equity. The decision is available through the Commission's web site at www.bchumanrights.org.

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Because of barriers they face, only 38 per cent of Aboriginal students graduate from Grade 12.

VLAP 2000: Together for Equality

Bullying – a hot topic on television talk shows, in newspapers, in coffee shops and in schools.

In an effort to prevent further cases of bullying and discrimination that can lead to tragic consequences, the Commission's Visual and Language Arts Program invited young people to submit works of art that show how promoting human rights can help.

The program's objectives worked in conjunction with the United Nation's International Year for the Culture of Peace. The aim of the year was to kick-start a global movement to transform from cultures of war, violence, oppression and discrimination to cultures of non-violence, tolerance and celebration of diversity and solidarity.

The program gave young people throughout BC the opportunity to learn about their human rights and responsibilities. The artwork submitted included poetry, story telling, video, music and various other art projects.

The Commission also partnered with students at Thomas Haney Secondary in Maple Ridge to develop a poster titled *Together for Equality*.

The poster was distributed to over 3,000 schools and community centres throughout the province. The goal was to encourage as many students as possible to work together in achieving equality and in recognizing the United Nations International Year for the Culture of Peace and International Human Rights Day.

Over 77 per cent of non-Aboriginals graduate.

British Columbia Human Rights Commission

CASE STUDY

On International Human Rights Day, December 10, the YOUth for P.E.A.C.E. conference (People Educating And Creating Equality) was held at Thomas Haney Secondary in Maple Ridge. The day included recognition of students' artwork and discussions about discrimination in our schools and communities.

The conference, which focused on prevention, brought together young people from the region to talk about their experiences with discrimination and ways to address it. Over 250 students participated in workshops that focused on hate activity, combating homophobia and what youth can do to take action against discrimination.

"We are giving youth a chance to explore ways of making a difference for themselves and for others who live around them, in order to maintain a culture of peace," said Ricardo Amezquita, a Pitt Meadows Secondary School student and the conference master of ceremonies.

In another celebration of International Human Rights Day, Chief Commissioner Mary-Woo Sims travelled to Nelson to meet with students from Mount Sentinel and area secondary schools to discuss issues of bullying and discrimination in schools.

Mary-Woo Sims presents a framed Together for Equality poster to Principal Ian Strachan and Stephanie De Wynter

Students perform a play about discrimination in schools

No Room for Discrimination

Case: Rose DesRosiers and Lorraine James filed a complaint against Mahinder Manhas alleging that she refused to rent a suite to them because they are of First Nations ancestry and because DesRosiers was on social assistance.

Details: In April 1998, DesRosiers viewed a three-bedroom unit with the husband of the homeowner, who explained that DesRosiers could leave a deposit if she was interested in renting the suite.

On the day of the move, DesRosiers and James stated that Manhas asked them about their nationality and, upon learning they were of First Nations ancestry, told them she did not rent to "natives." DesRosiers and James testified that Mrs. Manhas made additional comments about DesRosiers' source of income through social assistance.

Result: The Tribunal awarded Rose DesRosiers and Lorraine James $2,000 as compensation for the humiliation, hurt feelings and injury to their dignity and self-respect. DesRosiers was awarded an additional $1,000 as compensation for the disparaging comments made with respect to her source of income.

equality through access

Working on emerging human rights issues

The Commission has been working with its community partners to advocate for better human rights protection for people living in poverty, people with a disability who use assistive animals and transgendered people.

Social Condition

Our society negatively stereotypes people living in poverty, routinely denying them housing and services. Our governments and social institutions invariably ignore their issues. Their voices are rarely heard. Not many people are forced to tolerate this level of discrimination. Canada's statutory human rights agencies can play a critical role in advancing the equality rights of people living in poverty.

To protect people living in poverty, the Commission has taken a lead role, with other human rights commission's across Canada, to advocate for the inclusion of the ground of social condition in the provincial, territorial and federal human rights legislation. The Commission's proposal, first recommended to BC's provincial government in 1998, has still not been enacted.

Assistive Animals

The Commission has continued to lobby the government to change the *Guide Animal Act* or introduce new legislation to help end the discrimination faced by people who use assistive animals. The term "assistive animal" includes the full range of service and therapy animals – service dogs, seizure response dogs, therapy utility animals and guide or seeing eye dogs.

Legislative change is needed to help clarify the rights of people with disabilities who need an assistive animal and to help educate the general public about these rights. The Commission continues to accept complaints from those using assistive animals who have experienced discrimination. Examples include taxi drivers denying services and strata councils refusing to allow a tenant to own an assistive animal.

Transgendered people

The Commission has continued to play an active role in assisting the transgendered community to educate the public about the discrimination issues they face.

Chief Commissioner Mary-Woo Sims helped establish the Women/ Trans Dialogue Committee, a newly-formed working group on transgendered issues that includes transgendered individuals and representatives of groups serving women.

"Most people don't even know what transgendered means," comments Sims. "Transgendered people are often stereotyped or feared because of who they are. We must work towards ensuring transgendered people are treated with dignity and equality."

Anti-harassment guide being put to work

The best way to eliminate workplace harassment is to stop it before it starts.

A prevention program may seem like a simple idea, but its implementation is anything but. That's why the Commission has worked with business and labour representatives to create *Preventing Harassment in the Workplace*, a guide designed to help everyone – employees, employers and union representatives – understand what harassment is and how to stop it.

One of the keys to the success of the guide, which was created in consultation with the Commission's Employers Advisory Group and the BC Federation of Labour, is that it provides step-by-step instructions to employers in developing and implementing anti-harassment policies. It also covers how to recognize harassment and what to do if it happens.

Some of the tips in the guide include:

- Involve staff in the creation of the policy. It gives them a personal interest in the program and being involved will give them a better understanding of what is included in the policy.
- Corrective action for harassers can include a written reprimand, suspension (with or without pay), a transfer, demotion or dismissal.
- An anti-harassment program should be thorough and include a list of employee rights and responsibilities, a definition of harassment, a description of the *BC Human Rights Code*, education for all workers and ongoing monitoring of the plan.

Preventing Harassment in the Workplace was created to help make the workplace better for everyone. To get a copy of the guide, call the Commission or download a copy from **www.bchumanrights.org**.

Calendar of Human Rights Days

February
Black History Month

Third Week in February
BC Multiculturalism Week

March 8
International Women's Day

March 21
International Day for the Elimination of Racial Discrimination

Third Week in April
Prevention of Violence Against Women Week

May
Asian Heritage Month

Third Week in May
National Access Awareness Week

June 21
National Aboriginal Day

First Sunday in August
Gay and Lesbian Pride Day

August 9
International Day of the World's Indigenous People

October 1
International Day of Older Persons

October 17
International Day for the Eradication of Poverty

November 16
UNESCO International Day for Tolerance

December 1
World AIDS Day

December 3
International Day for Disabled Persons

December 6
National Day of Remembrance and Action on Violence Against Women

December 10
Human Rights Day

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Public Interest Program

Over the past four years, the staff of the Public Interest Program have worked hard to protect human rights by representing the Commission in court and tribunal hearings. Many gains have emerged from this process and they are victories in which all British Columbians can take pride.

The mission of the program is to work towards the elimination of systemic discrimination and further the purposes of the *BC Human Rights Code*. The program has significantly moved human rights protection forward through landmark cases that have set legal precedence for BC and, in some cases, the entire country.

The Deputy Chief Commissioner, Harinder Mahil, has become a party to 30 complaints in 2000/01 and took part in 15 cases at the hearing stage. In one case, the Commission took action because a school board said it is not responsible for the actions of students who harass their peers. While dealing with a different subject, the Moore case (page 6) is similar in the sense that a school board is alleged not to have lived up to its responsibility to provide the education required by a student with a learning disability.

The judgements in these cases will likely improve service delivery in schools and other publicly funded institutions for many years to come.

"The Public Interest Program, while continuing to seek human rights justice via legal means, was always intended to take a more proactive role," explains Mahil. "By conducting research and forums, people from all sectors will gain a better understanding of the barriers that stand between our communities and workplaces and a truly equitable experience for all."

This year, the program has produced three important research reports. *Not Good Enough – Representation of Aboriginal People, People with Disabilities and Visible Minorities in the BC Public Service* is a report summarizing the results of forums on employment equity in the public sector (page 7). Learning more about the experiences and barriers faced by those in under-represented groups lays the foundation for fundamental changes to the way public sector employees are treated.

Simply having a policy is not good enough; real change requires action. It's a theme that can also be found in two other research reports that prompted much discussion in the past year. *Jumping Through Hoops*, a report that outlines the experiences of 14 people with disabilities in their struggle to access government services, illustrates just how demeaning, frustrating and costly the bureaucracy can be. *It's Time to Act*, the other major research report, calls for government action to make

its information accessible to people with visual and hearing disabilities.

The issues identified in the reports represent significant problems. Imagine, for example, having no access to government documents simply because of the format of a web site. "Both reports come with relatively simple recommendations that ask for consideration of the needs of all British Columbians," Mahil says. "Whether it be the creation of a booklet that lists all the programs and services available to people with disabilities or offering text-only sites so that software can read the information to people who have difficulty seeing, these small changes can make a significant difference."

As a result of these reports, the provincial government has responded with new policies and standards that will make government services and information more accessible for people with disabilities.

Aboriginal education is another issue that the program will concentrate on over the next year. With Aboriginal students graduating at half the rate of other students, constructive and long-lasting solutions are essential. The costs of letting this situation continue are far too great. Through the Aboriginal Education Project (page 3), the Commission will work with members of the Aboriginal community, Aboriginal leaders, educators and other interested parties to find solutions that will lead to better results.

The Aboriginal education initiative, involvement in Tribunal hearings and the research reports on the inequities experienced by some groups are examples of the role the Public Interest Program plays in the province. "All people deserve the highest quality of life possible," Mahil says. "The education system, employers and service providers have a shared responsibility to accommodate individual needs and provide an inclusive environment free of harassment. We're here to help them do that."

Serving the Public Interest

The Commission's Deputy Chief Commissioner becomes party to a complaint in an effort to ensure that tribunal hearings and complaint settlements take into account the public interest or systemic discrimination barriers to equality.

Details: In one settlement agreement, a BC municipality agreed to work with the Deputy Chief Commissioner (DCC) to create an education and training program for employees to ensure the municipality's policies clearly communicate mechanisms available to accommodate employees with disabilities.

In another case, a School Board agreed to advertise the availability of sign language interpreters for people who wish to participate in the Board's community education programs. The Board will also inform the DCC about the number of sign language interpreters requested by students, the number provided and any circumstances where the Board did not provide an interpreter.

Result: Parties are encouraged and assisted to look at policy development, education and independent assessment as ways to meet their obligations under the *Human Rights Code* and avoid future human rights violations.

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Compliance Program

Serving the best interests of the public requires that everyone involved in the complaints process is willing to review how the system currently works or, in some cases, doesn't work.

Finding innovative alternatives to protect human rights has been a common theme over the past few years. Improvements to the Compliance Program translate into a major step forward for human rights in the province.

The Commission's Compliance Program handles complaints, conducts investigations, helps people resolve disputes and, finally, recommends whether or not a complaint should be referred to the BC Human Rights Tribunal for a hearing.

The decision as to whether or not a complaint should proceed to a hearing is based on the nature of the complaint and whether pursuing a resolution would serve the best interests of BC residents.

Serving the best interests of the public requires that everyone involved in the complaints process be willing to review the way the system currently works or, in some cases, doesn't work.

When the Commission inherited the BC Human Rights Council's backlog of cases, it discovered a complicated and sluggish complaint system. And now, with significantly reduced processing times – the median time for investigation, for example, has been cut in half – the Compliance Program is concentrating on further enhancing the way it deals with complaints and seeks resolutions.

The Case Management Review Project was one of this year's most significant undertakings for the Compliance Program. A specialist put the Commission's system for handling complaints under a microscope, looking for strengths and weaknesses.

The subsequent report recommended accelerating the complaints process, seeking ways to increase the use of mediation and creating a fairer and more friendly relationship with clients. It is hoped that this report, which is currently being reviewed by Compliance Program staff, will allow the program to make decisions and implement the concrete changes that will ensure the Program becomes more efficient and effective with each passing year.

The Compliance Reform Project

The Commission also has undertaken the Compliance Reform Project, a project designed to look beyond the way the Commission currently does its job and allow Commission staff to consider other ways human rights complaints could be handled. Hopefully, the Compliance Reform Project will provide a new perspective on human rights investigation and define a more flexible role for the Compliance Program. Currently, people come forward with complaints and Commission staff members conduct an investigation to uncover the facts of the case. However, that is not the only way to pursue the protection of human rights.

"In some cases, the current method of investigation and adjudication is very stressful to complainants and respondents. As a result, the emotional gulf between complainants and respondents can widen, making the cases more difficult to resolve," explains Chris Finding, the Acting Executive Director of the Compliance Program.

The Compliance Reform Project encourages the parties to take advantage of mediation opportunities early in the process when they might find it easier to talk with one another. Impartial mediation offered and accepted as soon as possible is an innovative way of reducing processing time.

"What's even more exciting about the project is that it will make the process much easier for everyone involved," Finding says. "We may discover that the sooner we get people to mediation, the more willing they will be to seek a resolution. And I hope that this streamlined process will encourage more individuals to bring their complaints forward."

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Proclaiming Pride Days

Case: In a 1997 complaint, the Okanagan Rainbow Coalition alleged that Kelowna Mayor Walter Gray discriminated by refusing to include the word "Pride" in a proclamation of Gay and Lesbian Pride Day.

Details: In 1996, then Mayor James Stuart proclaimed June 30 as "Lesbian and Gay Pride Day". In late 1996, the Coalition requested that newly elected Mayor Gray make a similar proclamation for June 28, 1997. Mayor Gray issued a proclamation, but omitted the word "Pride".

In a March 21, 2000 decision, the BC Human Rights Tribunal upheld the Coalition's complaint. The Tribunal ruled that mayoral proclamations are a service for the purpose of the *Code* and that omitting the word "pride" changed the meaning of the requested proclamation, which is used throughout the world.

The Tribunal also found that Mayor Gray's decision harmed many members of the lesbian and gay community in Kelowna and had the effect of re-ascribing the legacy of shame and intolerance attached to homosexuality.

Result: The Commission views the decision as important in confirming our publicly elected officials can not let their personal views exclude and marginalize people on the basis of their sexual orientation.

To the Commission's dismay, a number of BC municipalities have stopped issuing mayoral proclamations presumably to avoid being faced with similar complaints.

The Education and Communications Program

Far too often, people see human rights education simply as telling people what not to do. The approach of the Commission, especially after seeing the results of the Commission's 1999 public opinion poll on discrimination, has been to find ways to give people the tools they need to take action to prevent discrimination. This approach sends people the message that change happens one person at a time and that all British Columbians have a role to play.

To that end, the Commission partnered with other agencies to present Human Rights Workshops in Trail, Kamloops and Terrace (page 4).

These workshops are an example of where the Commission can have its greatest impact. By bringing together the public, community group representatives, parents, teachers and school administrators, people can talk about the problems their communities face, share ideas about how they can be solved and develop plans of action.

As Therese Boulard, the Acting Manager of the Education and Communications Program, explains, the Commission simply worked with local groups to set up the meeting; the rest was up to those who participated. "During the workshops, we encouraged people to talk about alternative responses to discrimination and that's when it got interesting," comments Boulard. "Parents who are concerned about bullying in the schools, for example, had the opportunity to connect with a school and other people with an interest in creating a local solution to a local problem."

In the Commission's Strategic Plan, encouraging and enabling people to take responsibility for human rights is one of the fundamental principles. By helping to organize

these workshops, the Commission is providing opportunities for people to gain a new understanding of the human rights issues in their community and what they can do to protect the rights of all local people.

Giving people the tools they need to take responsibility for human rights is also a key to the Visual and Language Arts Program. Beyond the publication of the guide that finds its way to more than 2000 schools across the province, the Commission worked with a youth advisory group to create the program for a full-day human rights forum at Thomas Haney Secondary School. "Everyone was enthusiastic about being involved and the students seemed to learn a great deal," says Boulard. "It is definitely an area we would like to expand in the next year. We need to provide young people with the resources they need to take action against discrimination."

New Workplace Guide

Another highlight over the past year was the development of the guide, *Preventing Harassment in the Workplace*. Typically, workplace-based complaints comprise nearly 80 per cent of the total complaints filed with the Commission each year. The new guide has proven to be extremely popular with the business community. Positive feedback centres on the guide's thorough and practical information, particularly for businesses moving to establish harassment policies in their workplace. It is an example of a project that included all program areas within the Commission, ranging from policy to education.

"The key to the success of *Preventing Harassment in the Workplace*, the annual report or any of the other documents that the Commission creates is that they give people accessible information," Boulard says, adding that providing alternative formats for documents is especially important. "To have an impact, the material needs to be easy to understand and take into account the everyday experiences of British Columbians. The development of accessible materials is something the Education and Communication Program will continue to focus on."

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Discrimination at Work

Case: Charles Kennedy filed a complaint alleging that the provincial government discriminated against him because of his race, colour and ancestry.

Details: In 1992, Kennedy began working as an industrial hygiene specialist and as the Acting Manager of the Occupational Health Section and Safety Inspections Branch at the Ministry of Employment and Investment, Energy and Mines Division. In 1992, a permanent manager was hired and Kennedy continued to serve as an industrial hygiene specialist.

Kennedy filed a complaint alleging that the Ministry discriminated against him regarding the terms and conditions of his employment, because of his race, colour and ancestry.

The Commission participated in the hearing held by the independent Human Rights Tribunal in the late spring and early summer of 2000.

The Deputy Chief Commissioner filed expert evidence relating to systemic barriers which adversely affect visible minority employees.

Result: The Tribunal ruled that Kennedy had not established on a balance of probabilities that the Ministry's conduct violated the *Code*. The decision however is an important one in recognizing that full examination requires an understanding of the types of discriminatory barriers that hinder the employment of visible minorities.

BC Human Rights Commission Staff 2000/01

Staff includes:

Mary-Woo Sims, Harinder Mahil, Mary Beeching, Chris Finding, Cindy Bachman, Steve Baileys, Liz Barker, Patt Bricard, Lynn Britton, Bill Burrill, Mary Duffy, Rita Fayle, Maria Baldesancho, David Hosking, Chris Hunter, Crystal Marshall, Heather Meadows, Ray Duggan, Deidre Rice, Pat Burnett, Nancy Cameron, Linda Romain, Linda Shout, Elizabeth Skaggs, Jennie Smillie, Patti Steele, Wouter Sukkel, Milijan Djurkovic, Laurie Taylor, Diana Wright, Tom Beasley, Betty Down, Thea Beil, Pardeep Purewal, Stephanie Bogaert, Alan Borden, Therese Boulard, Carol Brown, John Mott, Tina Chan, Wilma Clarke, Roz Currie, Virginia Grimaud, Leanne Dospital, Dan Lord, Anne Lowe, Saho Lindberg, Tracy Matovich, Lama Mugabo, Peter Pang, Jay Porter, Martha Rans, Peijian Shen, Maureen Shields, Ray Mau, Karen Spears, Denise Stroeder, Peter Threlfall, Debbie White, Claire Yeh, Jennifer O'Rourke, Rodney Klodyne, Greg Sitch, Sharon Wilcox, Kelly Wilson, Marie Worden

Complaints Process

Filing a Complaint

When a person feels they have been discriminated against, they can contact our office to file a complaint. A Complaints Analyst will tell the person if their complaint is covered by the *BC Human Rights Code* and explain the process of how to file a complaint. If the complaint is not something the Commission can help with, the person may be referred to another agency.

Decision to Investigate

Once a complaint has been received and a file created, it is assigned to a Human Rights Officer ("Officer"). Sometimes the complaint may be dismissed after the Officer has reviewed it more closely. The complaint may also be dismissed after it has been sent to the person alleged to have committed the discrimination ("Respondent") and their response has been reviewed by the Officer.

Early Resolution

Prior to investigating the complaint, the Officer will contact both the person who filed the complaint ("Complainant") and Respondent to discuss how the complaint may be resolved, either by negotiation or mediation. The Officer does not set the terms of settlement or provide legal advice, but is available to act as a mediator or relay terms of negotiation between the Complainant and Respondent ("the parties"). Once the parties have agreed to and signed the terms of settlement, the file is closed.

Investigation

In an investigation, the Officer gathers information from the parties such as witness statements, letters, records of employment and medical records. The Officer writes a report and makes a recommendation to either dismiss the complaint or refer it to the Human Rights Tribunal for a hearing. The parties receive a copy of the report and can submit more information. The report and the information submitted is then reviewed by the Commissioner of Investigation and Mediation (or the Commissioner's delegate) who decides to dismiss the complaint or refer it to the Human Rights Tribunal.

Reconsideration

If either party believes an error has been made, they can bring their concern to the attention of the Reconsideration Delegate. To ask for a reconsideration, the party must write to the Reconsideration Delegate within 30 days of the date of the letter of decision and explain the errors. Reconsideration is not intended to re-judge a decision or re-investigate a complaint, but to correct clear errors, unfairness, or injustice.

Other Information

During investigation parties are not required to have a lawyer, but may wish to hire one at their own cost. Parties who are mediating or negotiating a settlement may be eligible for Legal Aid.

BC Human Rights Tribunal

Hearings are conducted by an independent agency called the BC Human Rights Tribunal. When a complaint is referred to the Tribunal, they will contact the parties and tell them what they need to do to prepare for the hearing. Cases that are settled or successful at Tribunal can result in: a letter of apology, money for lost wages and injury to dignity and self-respect or attaining the apartment, service, job or whatever was denied due to discrimination.

Complaints Process

Complaint received
Complaint is not accepted
Complaint is accepted, file is opened
Complaint dismissed upon further review
Parties agree to mediation or negotiation
Complaint is settled
Complaint not settled, proceeds to investigation
Investigation report with recommendation is sent to parties
Complaint dismissed
Complaint referred to Tribunal

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statistics for 2000/01

Resources 2000/01

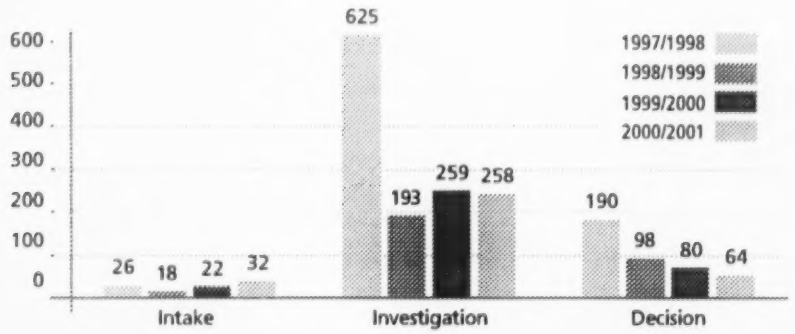
The Commission operated on a budget of $4,556,000 in 2000/01, and with 47 full-time equivalent staff members.

Complaints by Region

Region	Number*	Percentage
A The North	1	0.1%
B Skeena	17	2.2%
C Prince George Area	35	4.6%
D Cariboo	17	2.2%
E Squamish/Kamloops	23	3.0%
F Okanagan	60	7.8%
G Kootenays	10	1.3%
H Rocky Mountains	19	2.5%
I Lower Mainland	420	54.8%
J Sunshine Coast	2	0.3%
K Vancouver Island	162	21.2%
Total Complaints	766	

*New complaints opened in 2000/01

Median Processing Time



INTAKE the number of days between the case being filed to being assigned to investigation

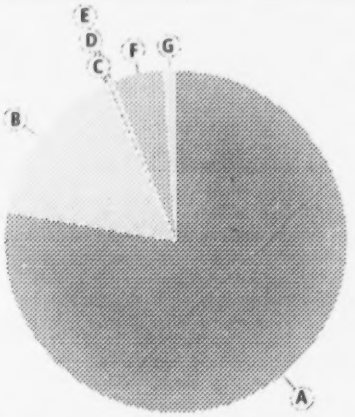
INVESTIGATION the number of days from being assigned to an investigator to referral to the Commissioner of Investigation for a decision

DECISION the number of days the Commissioner of Investigation (or a delegate) takes to receive submissions, cross-disclose submissions where necessary, review the file and make the decision

Distribution of Complaints

Complaint Area	Number*	Percentage
A Employment	734	77.7%
B Public Services	148	15.7%
C Publications	1	0.1%
D Property	3	0.3%
E Retaliation	3	0.3%
F Tenancy	45	4.8%
G Unions/Associations	10	1.1%

*One case can include several complaint areas.



Why Complaints were Filed (Grounds)

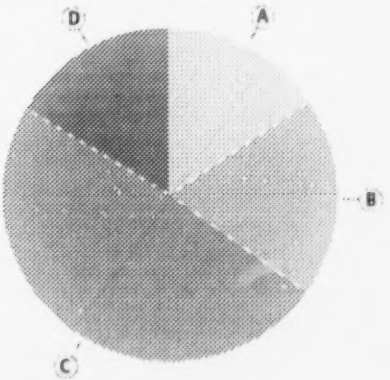
Grounds	Number*	Percentage
A Mental & Physical Disability	356	38.1%
B Sex	275	29.4%
C Race, Ancestry, Colour, Place of Origin	142	15.2%
D Family Status	40	4.3%
E Age	35	3.7%
F Religion	24	2.6%
G Sexual Orientation	24	2.6%
H Marital Status	19	2.0%
I Criminal Conviction	8	0.9%
J Source of Income	7	0.7%
K Retaliation	3	0.3%
L Political Belief	2	0.2%

*Total number of allegations exceeds the number of complaints filed because one case can include several grounds of discrimination.

Outcomes for Complaints Closed in 2000/01

Complaint Outcome	Number*	Percentage
A Settlements	115	15.6%
B Dismissals -- Prior to Investigation	142	19.3%
C Dismissals – After Investigation	359	48.8%
D Referred to Tribunal	120	16.3%

*In 2000/01 the Commission closed a total of 736 cases.
***Numbers taken from the "Statistical Summary Fiscal 2001". Numbers reflect case dispositions and their individual breakdown.**



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END

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